

**MEMO ENDORSED**

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

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March 10, 2008

**BY FAX: (212) 805-7949**

Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 2260  
Brooklyn, NY 11201

Re: Antonio Madera v. City of New York, et al.  
08-CV-1509 (PKC)(THK)

*Application  
Granted -  
JMS  
3-11-08*

Your Honor:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, supervising the defense of the above-referenced federal civil rights lawsuit.<sup>1</sup> I respectfully write to request a thirty day enlargement of time for defendant City of New York to answer or otherwise respond to the complaint from March 10, 2008, to April 9, 2008. Plaintiff's counsel, Andrew B. Stoll, Esq., consents to this request.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint, including conspiracy, excessive force and assault and battery. Specifically, plaintiff Antonio Madera alleges the following three incidents: (1) On November 19, 2006, defendant Correction Officer Small conspired with inmates at RMDC and allowed plaintiff to be assaulted in the dayroom; (2) On December 8, 2006, defendant Correction Officer Johnson struck plaintiff twice in the face and then covered up the incident with the help of three other defendant correction officers by refusing to allow plaintiff to go to the clinic for medical attention; (3) On December 21, 2006, defendant

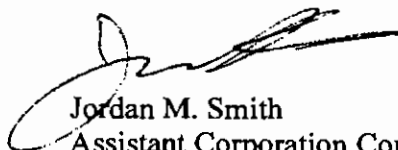
<sup>1</sup> This case has been assigned to Assistant Corporation Counsel Maurice Hudson, who is presently awaiting admission to the bar and is handling this matter under my supervision. Mr. Hudson may be reached directly at (212) 788-8684.

Correction Officer Miller conspired with inmates and allowed them to assault plaintiff, after which defendant Miller repeatedly struck plaintiff.

The proposed enlargement will also allow time for the plaintiff to effect service on the eight individually named defendants if he has not already done so. Once that is done, the individual defendants will presumably seek representation from this office pursuant to General Municipal Law § 50(k). The requested enlargement would time for this office to conduct an inquiry to determine whether it may represent the other named defendants in this action. See General Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

No previous request for an enlargement of time to respond to the complaint has been made, and this request does not affect the Initial Conference presently scheduled before Your Honor on April 18, 2008. Accordingly, it is respectfully requested that defendant's time to answer or otherwise respond to the complaint be enlarged from March 10, 2008, to April 9, 2008.

Respectfully submitted,



Jordan M. Smith  
Assistant Corporation Counsel

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